

EXHIBIT C

December 2, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

MARJORIE A. CREAMER,

Plaintiff - Appellant,

v.

No. 11-3358

GENERAL MOTORS
CORPORATION; MOTORS
LIQUIDATION COMPANY,

Defendants - Appellees.

ORDER

Before **LUCERO, MURPHY** and **O'BRIEN**, Circuit Judges.

This court lacks jurisdiction over this appeal because the notice of appeal was filed out-of-time.

The last order issued by the district court was on October 13, 2011. The plaintiff's notice of appeal was filed more than 30 days later on November 29, 2011. Moreover, the appeal was filed more than 30 days after entry of the order denying the first motion for reconsideration on September 20, 2011. *See* Fed. R. App. P. 4(a)(4).

In a civil case, in which the United States is not a party, a notice of appeal must be filed within 30 days of entry of the order being appealed. *See* 28 U.S.C. § 2107(a) (a notice of appeal in a civil matter must be filed within 30 days of entry of judgment); Fed. R. App. P. 4(a)(1)(A) (same). A timely notice of appeal in a civil case is both mandatory and jurisdictional. *See Bowles v. Russell*, 551 U.S. 205, 209, 213 (2007).

Because the appeal was filed more than 30 days after entry of both the district court's September 20, 2011 and October 13, 2011 orders, this court lacks jurisdiction. **APPEAL DISMISSED.**

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

December 02, 2011

Douglas E. Cressler
Chief Deputy Clerk

Ms. Marjorie A. Creamer
705 South Monroe
Smith Center, KS 66967

RE: 11-3358, Creamer v. General Motors Corporation, et al
Dist/Ag docket: 5:11-CV-04028-CM-DJW

Dear Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

EAS/klp